

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JANA K. LANDRY, individually, and as next of kin and personal representative of Matthew Conard Nelson (deceased),

Plaintiff,

v.

STEVEN SPERRY in his individual and official capacity; et al.,

Defendants.

CASE No.: 4:17-cv-370

JURY DEMANDED

PLAINTIFF'S OPPOSED MOTION FOR EARLY DISCOVERY
PURSUANT TO FED.R.CIV.P. 26(d) and 34(b)

Plaintiff Jana K. Landry, individually, and as next of kin and personal representative of Matthew Conard Nelson (deceased), respectfully requests this Court to permit the Plaintiff to obtain early discovery in this case.

1. Plaintiff has named Doe Defendants 1-10 in this case whose identities are not known to Plaintiff now and cannot be determined without the assistance of discovery.
2. It is essential that Plaintiff obtain early discovery to ascertain the proper additional defendants.
3. FED.R.Civ.P. 26(d) states in part, “[...] a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f).”
4. FED.R.Civ.P. 34(b) states in part, “[...] without leave of court or written stipulation, a request may not be served before the time specified in Rule 26(d).” Plaintiff therefore seeks such

leave of Court to conduct early discover to learn the identities of other proper defendants before the statute of limitations expires.

5. The circumstances of this case lead Plaintiff to the conclusion that Plaintiffs should be permitted to complete early discovery. The statute of limitations is two years and will expire on April 1, 2017. The time Plaintiff has to conduct discovery, learn the identities of others involved in decedent's death, and name additional defendants is limited. It is also possible that presently named defendants will be determined as unnecessary or non-culpable parties.

6. The interests of justice require that the Plaintiff be allowed to obtain discovery prior to the conference of the parties.

7. Plaintiff therefore respectfully requests leave of Court to conduct early discovery.

Respectfully submitted,

/s/ Jerold D. Friedman

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Attorney for Plaintiff

CERTIFICATE OF CONFERENCE

No defendant has made an appearance and process has not been served. The instant motion will be served along with process and therefore no conference of counsel is possible. Therefore, this motion is deemed opposed.

/s/ *Jerold D. Friedman*
Jerold D. Friedman

CERTIFICATE OF SERVICE

A true and correct copy of the document above has been or will be served in-person along with process on each defendant on or about Feb. 22, 2017, at the following addresses:

Steven Sperry
Joe F. Gurney Transfer Facility
1385 FM 3328
Palestine, TX 75803

Bryan Collier
Texas Department of Criminal Justice
TDCJ Executive Director
861 B IH 45 North
Huntsville, TX 77320

Michael Seale
21511 NE Interlachen Ln
Fairview, OR 97024

Pilar Laborde-Lahoz
3007 Southern Brook Ct
Pearland, TX 77584

Conrad Gibby
3515 Chatwood Dr.
Pearland, TX 77584

Syed Aziz ur-Rahman
7171 Buffalo Speedway #733
Houston, TX 77025

Sunil Athavale
1015 Terscott Ln.
Sugarland, TX 77479

Sharon Lambi
5423 Walnut Glen Ln.
Rosenberg, TX 77471

Rosemary Ojih
301 Nitram Ct. #3A
Middle River, MD 21220

David Cunningham
2814 Hamilton St.
Houston, TX 77004

Jed Silverman
1221 Studewood, Suite 200
Houston, TX 77008

/s/ *Jerold D. Friedman*
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